

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

JAN 24 2018

Clerk, U.S. District Court
District Of Montana
Helena

CONTRACTORS BONDING AND
INSURANCE COMPANY,

Plaintiff,

vs.

BRYAN SANDROCK, a Montana
Resident,

Defendant.

No. CV-16-116-H-SEH

ORDER

Pending before the court is Plaintiff, Contractors Bonding and Insurance Company's Motion for Judicial Notice which "requests the Court take judicial notice of Bryan Sandrock's Opening Brief filed in the Montana Supreme Court in the matter of *DeTienne v. Sandrock*, No. DA-16-0649, on February 8, 2017."¹

ORDERED:

The Motion for Judicial Notice is GRANTED in Part and DENIED in Part

¹ Doc. 39 at 2.

as follows:

Judicial notice is taken of the filing on behalf of Bryan Sandrock, GG&ME, LLC, a Montana Limited Liability Company, and Draes, Inc., a Montana Close Corporation of Appellants' opening brief in the Supreme Court of the State of Montana, Cause DA 16-0649, on February 8, 2017 ("Cause DA 16-0649").

FURTHER ORDERED:

Federal Rule of Evidence 201 limits this Court's capacity to take judicial notice of an "adjudicative fact" to "one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned."²

No notice is taken, and none may be taken, of any factual allegations or assertions stated or appearing in Appellants' opening brief in Cause DA 16-0649.

DATED this 24th day of January 2018.


SAM E. HADDON
United States District Judge

² *Bias v Moynihan*, 508 F.3d 1212, 1225 (9th Cir. 2007)(citing Fed. R. Evid. 201(b)).